THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11994 OF 2006

16th JUNE, 2006

BETWEEN

C.Sajida Begum

… Petitioner

vs.

The District Collector, Cuddapah, Cuddapah District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11994 OF 2006

ORDER:

The petitioner's father was member of Cuddapah District Non-Gazetted Officers Co-operative Building Society Limited, Cuddapah (hereafter called, the NGOs Society). The said Society was assigned land in survey Nos.434, 435 and 919 in Swaraj Nagar Layout of Chinnachowk Revenue village to be distributed as

house sites to the Members of the Society, namely, Non-Gazetted Officers of the Government of Andhra Pradesh. It is alleged that the third respondent society allotted plot No.853 in the Layout to the petitioner's father and also registered the document on 02.01.1982. He was attacked by paralysis and was bed ridden and therefore, he could not take care of the property. The petitioner alleges that she is the only legal heir and while cleaning the house, she found the sale deed, dated 02.01.1982. She approached the respondents 2 and 3 for identifying plot No.853 by making representation on 07.10.2005, in vain. Therefore, she filed the present writ petition seeking a direction to the respondents in not identifying plot No.853 in Swaraj Nagar Layout as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). If the petitioner is seeking redressal against the third respondent, the same cannot be entertained in this writ petition. The petitioner's father purchased the land from the NGOs Society and it is a transaction between the vendor and the vendee, which is subject to Sections 54 and 55 of Transfer of Property Act, 1982. Therefore, the petitioner's remedy lies elsewhere in seeking identification of the land demised under the sale deed, dated 02.01.1982. When once the land is assigned by the District Collector, the land becomes absolute property of the NGOs Society, and therefore, the Revenue officials, namely, respondents 1 and 2 herein, have nothing to do with the land. It is for the petitioner, who is allegedly the legal heir of late Ashraf Ali to approach the respondent No.3 or appropriate Court for redressal.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

16.06.2006

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